

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SAFETY SOCKET, LLC,

Plaintiff,

CASE NO. 07-CV-15364

-vs-

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

ALL STATE FASTENER CORP.,

Defendant.

**ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
WITHOUT PREJUDICE PENDING DISCOVERY**

Before the Court is Defendant All State Fastener Corporation's ("Defendant") May 1, 2008 Motion for Summary Judgment. (Dkt. No. 18). On June 2, 2008, Plaintiff Safety Socket, LLP ("Plaintiff") filed its response. The Court held a telephone conference on July 11, 2008.

After review the Court DENIES WITHOUT PREJUDICE Defendant's Motion for Summary Judgment. The Court finds that this Motion is premature given the lack of any discovery at this stage in the litigation. *See White's Landing Fisheries, Inc. v. Buchholzer*, 29 F.3d 229, 231-32 (6th Cir. 1994) (holding that "a grant of summary judgment is improper if the non-movant is given insufficient opportunity for discovery."). The Court shall issue a scheduling order and Defendant's may file for Summary Judgment at the end of such discovery.

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: July 22, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on July 22, 2008.

s/Denise Goodine

Case Manager